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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,899	08/21/2003	Alexander J. Kolmykov-Zotov	003797.00615	6415
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BANNER & WITCOFF LTD., ATTORNEYS FOR CLIENT NOS. 003797 & 013797 1001 G STREET, N.W. SUITE 1100 WASHINGTON, DC 20001-4597			LUI, DONNA V	
		ART UNIT	PAPER NUMBER	2629
DATE MAILED: 12/14/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/644,899	KOLMYKOV-ZOTOV ET AL.
	Examiner	Art Unit
	Donna V. Lui	2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 November 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-72 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-72 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/14/2006</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. **Claims 1-5, 10, 18-19, 20-21, 24, 30-35, 39, 45-47, 49, 55-58, 64-66, and 72** are rejected under 35 U.S.C. 102(b) as being anticipated by Seybold et al. (Patent No.: 6,128,007).

With respect to **Claim 1**, Seybold teaches a method of receiving input indicating that a first stylus is located proximate to a digitizer in a hovering orientation (*column 4, lines 31-37; proximate and in a hovering orientation is equivalent to electromagnetic sensing of a stylus*); and providing focus to a first control element corresponding to a location of the first stylus in the hovering orientation (*column 3, lines 54-59; Note that focus is equivalent to the positioning of the stylus on a digitizer corresponding to the position of a cursor on the display; The “first control element” may correspond to any item on the display that the user may wish to activate or point*).

With respect to **Claim 19**, Seybold teaches a method of determining whether a first stylus is located proximate to a surface of the digitizer in a hovering orientation (*column 4, lines 31-37; Note that determining whether a stylus is proximate and in a hovering orientation is equivalent to electromagnetic detection of a stylus*). Seybold teaches providing focus to a first control

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element corresponding to a location of the first stylus in response to a determination that the first stylus is located proximate to the digitizer in the hovering orientation or contact between the first stylus and the surface of the digitizer (*column 3, lines 54-59; Note that focus is equivalent to the positioning of the stylus on a digitizer corresponding to the position of a cursor on the display; The “first control element” may correspond to any item on the display that the user may wish to activate or point*).

With respect to **Claim 46**, the claim differs from claim 19 in that claim 46 is a system and claim 19 is a method. Claim 46 recites the additional limitations of “an input device adapted to generate an input indicating” and “a processor programmed and adapted to”. Seybold teaches an input device (*See figure 1, element 5; column 2, lines 58-61*) to generate an input indicating when a first stylus is located proximate a surface of the digitizer, and a processor (*See figure 1, element 2: computer; note that a computer is equivalent to a processor*). Therefore claim 46 is rejected with claim 19.

With respect to **Claim 31**, the claim differs from claim 46 only in that the claim 31 is broader, therefore claim 31 is rejected with claim 46.

With respect to **Claim 56**, the claim differs from claim 1 only in that claim 1 is a method and claim 56 is a computer-readable medium, where the additional limitation “including computer executable instructions stored thereon for performing a method comprising” are

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recited. Seybold teaches the computer readable medium as memory (*column 3, lines 7-16*).

Therefore claim 56 is rejected with claim 1.

With respect to **Claim 65**, the claim differs from claim 19 only in that claim 19 is a method and claim 65 is a computer-readable medium. Claim 65 recites the additional limitation “including computer-executable instructions stored thereon for performing a method comprising.” Seybold teaches the computer readable medium as memory (*column 3, lines 7-16*).

Therefore claim 65 is rejected with claim 19.

With respect to **Claims 2 and 32**, Seybold teaches accepting input in an area of the digitizer representing the first control element (*column 3, lines 59-65; column 4, lines 1-4; Note that accepting input representing the first control element is equivalent to a handwriting entry*).

With respect to **Claims 3 and 33**, Seybold teaches the input to include electronic ink (*column 4, lines 19-23; Note that “electronic ink” is equivalent to digital “ink”*).

With respect to **Claims 22, 47, 57, and 66**, due to the limitations covered by both claim 2 and 3, claims 22, 47, 57, and 66 are also rejected.

With respect to **Claims 5 and 35**, Seybold teaches that prior to providing focus, the method further includes determining a location of the first stylus in a hovering orientation with respect to representations of plural control elements of a user interface on a screen (*column 4,*

lines 31-37; column 3, lines 37-45; Note that the plural control elements are shown in figure 2 as windows represented by elements 9-11). In order to provide focus, the location of the first stylus must first be determined.

With respect to **Claims 10, 24, 39, and 49**, Seybold teaches preparing the first control element to receive input (*column 4, lines 12-18; Note that the first control element is equivalent to the window corresponding to handwritten entries; Note that preparing the first control element to receive input is equivalent to activating the handwriting recognition program*).

With respect to **Claim 18, 30, 45, 55, 64, and 72**, Seybold teaches providing a visual indicator when focus is provided (*column 4, lines 12-18*).

With respect to **Claim 20**, Seybold teaches determining that the first stylus is located proximate to the digitizer surface and providing the focus in response to this determination. (*column 4, lines 31-37; column 3, lines 54-59; Note that the determining of a stylus located proximate to a surface of the digitizer is equivalent to being able to detect the presence of a stylus; the surface of the digitizer is the portion having display; after the location of the stylus is determined, the focus is provided by the display of a cursor*).

With respect to **Claim 21**, Seybold teaches sensing contact between the first stylus and the surface of the digitizer and providing the focus in response to the sensing (*column 4, lines 31-37; column 3, lines 54-59; Note sensing a stylus located proximate to a surface of the digitizer is*

equivalent to being able to detect the presence of a stylus; the surface of the digitizer is the portion having display; after the location of the stylus is determined, the focus is provided by the display of a cursor).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 4, 34, and 58** are rejected under 35 U.S.C. 103(a) as being unpatentable over Seybold.

With respect to **Claims 4, 34 and 58**, Seybold teaches moving the first stylus away from the digitizer without contacting a surface of the digitizer such that the input indicating the first stylus is detected at a significant distance from the tablet (*column 4, lines 31-37*). Although Seybold does not mention moving the first stylus away from the digitizer without contacting a surface of the digitizer such that the input indicating first stylus proximity is no longer received, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have such a limitation due to the restrictions of electromagnetic sensing.

3. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Seybold as applied to claim 1 above, and further in view of Brittenham et al. (Patent No.: 5,905,486).

With respect to **Claim 6**, Seybold does not teach a method of providing focus that includes rendering an enlarged view of at least a portion of a representation of the first control element. Brittenham teaches a method of providing focus that includes rendering an enlarged view of at least a portion of a representation of the first control element (*Figure 9 and 10; Note that the portion of the control element that is enlarged is the text entry field area corresponding to the next entry point for a character*). It would have been obvious for a person of ordinary skill in the art at the time the invention was made to use the method of rendering an enlarged view of at least a portion of a representation of the first control element, as taught by Brittenham, to the method of receiving input indicating location proximity to a digitizer of Seybold for the purpose of maintaining attention to the location where entry is being scribed and displayed (*column 11, lines 33-37*).

4. **Claims 7, 23, 36, 48, 59, and 67** are rejected under 35 U.S.C. 103(a) as being unpatentable over Seybold as applied to claim 1 above, and further in view of Bellwood et al. (Pub. No.: 2005/0039137).

With respect to **Claims 7 and 23**, Seybold does not teach a method of providing focus that includes providing an enlarged area for accepting input directed to the first control element. Bellwood teaches a method of providing focus that includes providing an enlarged area for accepting input directed to the first control element (*Figure 6A and 6B; Note that the text field “First Name” is the enlarged view*). It would have been obvious for a person of ordinary skill in

the art at the time the invention was made to use the method of providing an enlarged area for accepting input directed to the first control element, as taught by Bellwood, to the method of receiving input indicating location proximity to a digitizer of Seybold for the purpose of resizing and relocating the first control element for easier manipulation (*page 4, [0050], lines 4-9; Note that the reference uses the term “overlay controls” which is equivalent to providing an enlarged text input field*).

With respect to **Claims 36, 48, 59, and 67**, claims 36, 48, 59, and 67 differ from claim 7 in that the limitation “in response to the first control element receiving focus” is additionally recited. It is inherent that focus is provided to the control element before enlargement because the processor must first determine which element receives the enlarging capabilities. Bellwood further teaches that the additional limitation is in fact in response to the first control element receiving focus (*page 4, [0051], lines 4-7; Note that the program must receive a set focus message which is equivalent to the cursor placed at the appropriate area and then the control element will be enlarged or resized*).

5. **Claims 8, 9, 37, and 38** are rejected under 35 U.S.C. 103(a) as being unpatentable over Seybold as applied to claim 1 above, and further in view of Higashio (Patent No.: 5,900,869).

With respect to **Claims 8 and 37**, Seybold does not teach a method of maintaining a mouse focus separate from the focus corresponding to the first stylus location. Higashio teaches maintaining a mouse focus separate from the focus corresponding to the first stylus location (*See*

figure 1; column 3, lines 16-23). In column 6, lines 36-39, Higashio states that a device other than a mouse may be used as an input device, therefore the input devices may comprise a mouse and a stylus. Figure 1 further shows Higashio's teaching of maintaining a mouse focus separate from the focus corresponding to the location of a stylus. The multiple cursors (*figure 1, 13a-d*) clearly indicate that a mouse focus is separate from a stylus focus, where focus is the positioning of a cursor on a display. It would have been obvious for a person of ordinary skill in the art at the time the invention was made to use the method of maintaining a mouse focus separate from the focus corresponding to the first stylus location, as taught by Higashio, to the method of receiving input indicating location proximity to a digitizer of Seybold for the purpose of having indication of a program from a plurality of input devices and for a plurality of users to commonly share one processor system (*column 1, lines 62-65*).

With respect to **Claims 9 and 38**, Seybold does not teach a method of maintaining a keyboard focus separate from the focus corresponding to the first stylus location. Higashio teaches a method of maintaining a keyboard focus separate from the focus corresponding to the first stylus location (*See figure 1; column 3, lines 16-23*). In column 6, lines 36-39, Higashio states that a device other than a mouse may be used as an input device, therefore the input devices may comprise a keyboard and a stylus. Figure 1 further shows Higashio's teaching of maintaining a keyboard focus separate from the focus corresponding to the location of a stylus. The multiple cursors (*figure 1, 13a-d*) clearly indicate that a keyboard focus is separate from a stylus focus, where focus is the positioning of a cursor on a display. It would have been obvious for a person of ordinary skill in the art at the time the invention was made to use the method of

maintaining a keyboard focus separate from the focus corresponding to the first stylus location, as taught by Higashio, to the method of receiving input indicating location proximity to a digitizer of Seybold for the purpose of having indication of a program from a plurality of input devices and for a plurality of users to commonly share one processor system (*column 1, lines 62-65*).

6. **Claims 11-14, 25-28, 40-43, 50-53, 60-62, and 68-70** are rejected under 35 U.S.C. 103(a) as being unpatentable over Seybold as applied to claims 1 and 10 above, and further in view of Sekizawa et al. (Patent No.: 6,239,789).

With respect to **Claims 11, 25, 40, 50, 60, and 68** Seybold does not teach preparing the first control element for receiving input as increasing a polling frequency in an area of the digitizer corresponding to the first control element. Sekizawa teaches the increase in polling frequency in an area of the digitizer corresponding to a first stylus (*column 15, lines 11-16*). Since the location of a stylus corresponds to the position of a cursor on a display then the detecting of a stylus is equivalent to providing focus to a control element. It would have been obvious for a person of ordinary skill in the art at the time the invention was made to use the method of increasing the polling frequency in an area of the digitizer corresponding to a first stylus, as taught by Sekizawa, to the method of receiving input indicating location proximity to a digitizer of Seybold for the purpose of permitting improved trackability (*column 15, line 15-16*).

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With respect to Claims 12, 41, 51 and 61, Seybold does not teach a method of receiving a second input indicating that a second stylus is located proximate to the digitizer. Sekizawa teaches a method of receiving input indicating that a second stylus is located proximate to the digitizer in a hovering orientation (*column 9, lines 6-11; column 5, lines 61-67; Note that determining the location of the second stylus is through the measurement of the resonant frequency through an electromagnetic transfer system as noted in the brief description for figure 7 on column 7 lines 51-53*). It would have been obvious for a person of ordinary skill in the art at the time the invention was made to use the method of indicating that a second stylus is located proximate to the digitizer in a hovering orientation, as taught by Sekizawa, to the method of receiving an input indicating that a first stylus is located proximate to a digitizer, of Seybold for the purpose of improving trackability in detecting a plurality of styli (*column 6, lines 46-47; The term stylus is equivalent to position indicator*).

With respect to Claims 26 and 69, the claims 26 and 69 differ from claim 12 only in that claims 26 and 69 recite the limitation “determining whether a second ...” instead of the limitation “receiving a second ...” Claims 26 and 69 also recite the additional limitation “proximate to the surface of”. Seybold teaches the stylus as proximate to the surface of the digitizer (*column 4, lines 31-37*). The interchange of the terms determining and receiving are already taught by Seybold since an input signal must be received to determine the location of the stylus and in order to determine a location of a stylus, a signal must be received.

With respect to **Claim 13**, Seybold does not teach a method of providing focus to a second control element corresponding to a location of the second stylus. Sekizawa teaches a second detection process for detecting an approximate position of a second stylus in the hovering orientation (*column 6, line 67 through column 7, line 2; column 5, lines 61-67*). Since Seybold teaches the provision of focus to a first control element after receiving input indicating that a first stylus is located proximate to a digitizer then it would have been obvious to use the same method for more than one stylus. It would have been obvious for a person of ordinary skill in the art at the time the invention was made to use the method of detecting more than one stylus, as taught by Sekizawa, to the method of receiving input indicating that a stylus is located proximate to a digitizer such that focus can be provided to a control element, of Seybold such that the modified combination would produce a method of providing focus to a second control element corresponding to a location of the second stylus in the hovering orientation for the purpose of improving trackability in detecting a plurality of styli (*column 6, lines 46-47; The term stylus is equivalent to position indicator*).

With respect to **Claims 42 and 62**, the claims differ from claim 13 only in that claims 42 and 62 have the additional limitation “in response to the second input” is recited. Since claim 13 is dependent on claim 12, which recites a second input is located proximate to a digitizer then claims 42 and 62 are rejected with claim 13.

With respect to **Claims 27, 52, and 70**, Seybold teaches a method of providing focus to a control element when a location of the stylus corresponds to an area of the digitizer representing

the control element in response to a determination that the stylus is located proximate to the digitizer in the hovering orientation or contact between the stylus and the surface of the digitizer (*column 4, lines 31-37; Note that determining whether a stylus is proximate and in a hovering orientation is equivalent to electromagnetic detection of a stylus; column 3, lines 54-59; Note that focus is equivalent to the positioning of the stylus on a digitizer corresponding to the position of a cursor on the display; The “first control element” may correspond to any item on the display that the user may wish to activate or point*). Seybold does not teach such a method for a second stylus corresponding to a second control element. Sekizawa teaches a second detection process for detecting an approximate position of a second stylus (*column 6, line 67 through column 7, line 2*). Since Seybold teaches the provision of focus to a first control element after receiving input indicating that a first stylus is located proximate or in contact to a digitizer then it would have been obvious to use the same method for more than one stylus. It would have been obvious for a person of ordinary skill in the art at the time the invention was made to use the method of detecting more than one stylus, as taught by Sekizawa, to the method of receiving input indicating that a stylus is located proximate to a digitizer such that focus can be provided to a control element, of Seybold such that the modified combination would produce a method of providing focus to a second control element when a location of the second stylus corresponds to an area of the digitizer representing the second control element in response to a determination that the second stylus is located proximate to the digitizer or contract between the second stylus and the surface of the digitizer for the purpose of improving trackability in detecting a plurality of styli (*column 6, lines 46-47; The term stylus is equivalent to position indicator*).

With respect to Claims 14, 28, 43 and 53, Seybold does not teach a method where focus to the second control element is provided concurrent with focus to the first control element. Sekizawa teaches a method of concurrently detecting styli (*column 11, lines 62-65*). The styli are detected concurrently because both of the styli are placed on the detection device at the same time, as shown in figure 4c. As stated earlier with respect to claim 19, focus is provided after the location of the stylus on the digitizer is determined. Since Seybold teaches the provision of focus to a control element after receiving input indicating that a stylus is located proximate to a digitizer then it would have been obvious to use the same method for providing focus to a second control element. The focus to the second control element would be due to the detected location of the second stylus. It would have been obvious for a person of ordinary skill in the art at the time the invention was made to use the method of detecting styli, as taught by Sekizawa, to the method of providing focus to a control element of Seybold such that the modified combination would produce a method of providing focus to a second control element that is concurrent to the focus of a first control element for the purpose of permitting higher efficiency in practical use (*column 15, lines 34-35*).

7. Claims 15, 29, 44, 54, 63, and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seybold as applied to claim 1 above, and further in view of Karson et al. (Pub. No.: 2005/0160371).

With respect to Claims 15, 29, 44, 54, 63, and 71, Seybold does not teach a method of moving the first stylus from a first area corresponding to the first control element to a second

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area corresponding to a second control element and changing focus from the first control element to the second control element. Karson teaches a method of moving the first stylus from a first area corresponding to the first control element to a second area corresponding to a second control element and changing focus from the first control element to the second control element (*page 2, [0024], lines 5-17*). It would have been obvious for a person of ordinary skill in the art at the time the invention was made to use the method of moving the first stylus from a first area corresponding to the first control element to a second area corresponding to a second control element and changing focus from the first control element to the second control element to the method of receiving input indicating location proximity to a digitizer of Seybold, for the purpose of providing an improved user interface for context management (*page 1, [0014], lines 1-2*).

8. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seybold in view of Karson, as applied to claims 1 and 15, and further in view of Sekizawa.

With respect to Claim 16, Seybold does not teach a method where the first stylus does not contact a surface of the digitizer prior to moving from the first area to the second area. Sekizawa teaches a method where the first stylus does not contact a surface of the digitizer prior to moving from the first area to the second area (*column 11, lines 40-46*). In the brief description (*column 7, lines 51-53*) Sekizawa states that the position detector employs a conventional electromagnetic transfer system. It is well known in the art that in order for the position detector to detect a stylus that the stylus can either contact or be in close proximity (not contacting) to the position detector. The first area is on the position detector and the second area is an area out of

the sensor surface (Note that the second area can also correspond to another position on the sensor).

With respect to **Claim 17**, Seybold teaches a method where the first stylus contacts a surface of the digitizer prior to moving from the first area to the second area (*column 4, lines 27-31; Note that the first area corresponds to movement from an initial location of contact and the second area can be the final location of the stylus before contact is broken between the digitizer and stylus*).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donna V. Lui whose telephone number is (571) 272-4920. The examiner can normally be reached on Monday through Friday 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571)272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Donna V Lui
Examiner
Art Unit 2629

AMR A. AWAD
SUPERVISORY PATENT EXAMINER

